



Privacy Advisory Commission

August 5, 2021 5:00 PM

Videoconference

Meeting Minutes

Commission Members: *District 1 Representative: Reem Suleiman, District 2 Representative: Chloe Brown, District 3 Representative: Brian Hofer, Chair, District 4 Representative: Lou Katz, District 5 Representative: Omar De La Cruz, District 6 Representative: Gina Tomlinson, District 7 Representative: Robert Oliver, Council At-Large Representative: Henry Gage III, Vice Chair* **Mayoral Representative:** *Heather Patterson*

Pursuant to the Governor's Executive Order N-29020, all members of the Privacy Advisory Commission as well as City staff will join the meeting via phone/video conference and no teleconference locations are required.

1. Call to Order, determination of quorum

2. Open Forum/Public Comment

There was one public speaker: Assata Olugbala raised concern about the day labor program and about the City's Lake Merritt weekend management strategies.

3. Surveillance Equipment Ordinance – DPW – Illegal Dumping Camera Surveillance program impact report and proposed use policy – review and take possible action

Victoria Chak presented on behalf of the Public Works Department (OPW) with assistance from Assistant Director David Ferguson, and the Operations Manager overseeing Keep Oakland Clean and Beautiful, Frank Foster. Chair Hofer started the conversation stating that he believes the cameras are automatically disqualified because they contain facial recognition technology. Lauren Spears for the camera vendor Verkata explained that the technology is not actually facial recognition and also can be disabled. This allowed the discussion to continue.

Victoria noted that staff is looking for guidance from the commission on data retention periods, data sharing between departments (such as if a camera catches a violent crime), what will the sharing authority be), and auditing. David Ferguson noted that the need is dire with the city seeing the number of illegal dumping cases going from 12,000 annually in 2011 to approximately 40,000 annually today.

Member Katz noted he liked that the City would own the data and the two-factor authentication built in. His concern is efficacy—will the cameras impact the problem.

Member Brown stated the Use policy is a good start but asked for more information on the following: The need to use this technology, the location and number of cameras, the fiscal cost, information on results such as the number of people caught/fined, and more details on mitigating the negative impact of mass surveillance.

Member Gage asked questions about what did not work in years past and the original vendor rep, Anthony Bastian, explained that there were connectivity and power issues in the field with the old cameras. Also, the internal management of the system was challenging as there were no dedicated staff to investigate and follow-up when the program was in the City Administrator's Office—the staff member had many other responsibilities. Now that it is in OPW, there are Environmental Enforcement Officers whose only job is to address illegal dumping.

As Members were asking additional questions staff provided a live view of a prototype that was installed at the location of a former old system. This immediately drew concern from the commission and staff because the ordinance does not allow for replacement technology of an existing use without a new Use Policy in place. (Note: OPW staff had the vendor remove that system the following day). Commission agreed to create an ad hoc group to meet with staff and the vendor and return to a later meeting.

There were three public speakers on this item:

Mary Forte spoke in favor of this technology due to the extreme amount of dumping in East Oakland but also indicated her opposition to facial recognition technology.

Oscar Yassin who questioned the prototype being placed and asked if this was a violation of the ordinance. Assata Olugbala who stated that illegal dumping is a public health epidemic in East Oakland, urging the City to do something to address it.

4. Surveillance Equipment Ordinance - OPD – presentation of Annual Reports – review and take possible action:
 - a. Automated License Plate Reader 2019
 - b. Automated License Plate Reader 2020

Captain Figueroa introduced Carlo Beckman who has been hired from the tech sector by OPD to assist with policy development including repairing the system to allow for proper auditing. However, before getting into detail, Chair Hofer stated that the reports are still missing a lot of data and that there is 2019 data in the 2020 report. He also noted that the request for a waiver of collecting data on race cannot be in a report but needs to come as a separate item. He also noted that there can be no non-disclosure agreements with the vendor as per the ordinance. Member Oliver stated agreement with Chair Hofer's assessment.

There were two public speakers on the topic:

Assata Olugbala thanked the Commission for their work in holding OPD accountable.

Michael Katz-Lacabe stated he believes OPD does not take the ordinance seriously.

The Chair continued this item with the intent of polling members to fill an ad hoc but indicated his pessimism that he could find enough people to volunteer.

5. Surveillance Equipment Ordinance – OPD – Automated License Plate Reader impact report and proposed use policy – review and take possible action

This item was also continued and the meeting was adjourned.